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Sen. Anita Bowser
Sen. Billie Breaux
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Rep. Ed Mahern
Rep. Cleo Duncan
Rep. Andrew Thomas
John Brandt
Bruce Pennamped
R. Jerome Kearns
Rep. Carolene Mays



INDIANA CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Authority: IC 33-2.1-10-1

MEETING MINUTES¹

Meeting Date: October 16, 2003
Meeting Time: 1:00 P.M.
Meeting Place: State House,
200 W. Washington St.,
Senate Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. David Ford, Chairperson; Sen. Richard Bray; Sen. Billie Breaux; Rep. Vanessa Summers; Rep. Andrew Thomas; John Brandt; Bruce Pennamped; R. Jerome Kearns; Rep. Carolene Mays.

Members Absent: Sen. Anita Bowser; Rep. Ed Mahern; Rep. Cleo Duncan.

Chairperson Ford called the second meeting of the Indiana Child Custody and Support Advisory Committee ("Committee") to order at 1:18 PM.

Arbitration in Family Law

The Chairperson first moved to discuss PD 3350 (Exhibit #1). Committee member Bruce Penamped then briefly described PD 3350 and explained that it provides specific procedures for family law arbitration cases and requires binding arbitration in family law arbitration cases to be irrevocable. David Dinn, a senior policy analyst with the Indiana

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Children's Rights Council, spoke in favor of PD 3350, while Committee member Jerome Kearns expressed concern with the draft.

The Committee voted 5-2 to approve this draft, but this vote failed because a majority of voting Committee members (7 members) was needed for the vote to be successful.

Child Support Rules and Guidelines

Judge Michael Scopelitis, of the St. Joseph Superior Court and Chairman of the Domestic Relations Committee of the Judicial Conference of Indiana, distributed the following documents to the Committee:

- "Child Support Guideline Revisions; Fair, Justified and Honest" (Exhibit #2)
- Letter to Judge Scopelitis from Paul Leonard, dated October 15, 2003 (Exhibit #3)
- "Worksheet - Child Support Obligation" from Indiana (Exhibit #4)
- "Child Support Guidelines Worksheet" from Iowa (Exhibit #5)
- "Child Support Computation Worksheet (CSCW)" from Oregon (Exhibit #6)
- "Child Support Guidelines - Sole Parenting Worksheet" from New Jersey (Exhibit #7)
- "Child Support Percentage Worksheet" from Wisconsin (Exhibit #8).

Judge Scopelitis made the following points in his testimony to the Committee:

- Economists have realized that many divorced families have duplicated expenses, in which both parents are paying the same expenses for their children. The amended Indiana child support guidelines reflect the recognized expenses of both parents and have instituted a shared parenting time credit.
- Before the Domestic Relations Committee of the Judicial Conference of Indiana made their recommendations to the Indiana Supreme Court regarding the amended child support guidelines, the Judicial Conference held public hearings and reviewed all comments submitted to the Judicial Conference regarding the amended guidelines.
- The Domestic Relations Committee is aware of concerns over the amended child support guidelines from prosecutors and the Indiana Family and Social Services Administration.
- Not one state that has similar child support guidelines to Indiana's amended child support guidelines has lost any federal funding as a result of their guidelines.
- Judge Scopelitis asked the Committee not to send a letter to the Supreme Court asking that the amended child support guidelines be delayed. He stated that he believes the amended guidelines should be given a chance, and if there are problems, he stated that he will be open to reevaluating the guidelines after the problems are identified. He also stated that if federal funds are jeopardized as a result of the amended child support guidelines, he will propose an amendment to the guidelines to eliminate the problematic provisions.
- Indiana's child support guidelines worksheet (Exhibit #4) is simple compared to worksheets from other states (Exhibits #5-8).
- Paul Leonard, the Chair of the Indiana State Bar Association Family and Juvenile Law Section, wrote a letter in support of the amended guidelines (Exhibit #3).

The Committee discussed with Judge Scopelitis the following issues:

- Contacting the prosecutor's association
- Determination of the number of overnight stays to be eligible for the credit
- Difficulty and time involved in filling out the credit worksheet

--Policy issues relating to the credit in conjunction with support payments

Alternative Dispute Resolution in Domestic Relations Cases

Judge Scopelitis distributed the following documents to the Committee:

- "Approval of ADR Plans by the Supreme Court" (Exhibit #9)
- House Enrolled Act No. 1034 (2003) (Exhibit #10)

Judge Scopelitis made the following points in his testimony to the Committee:

- HEA 1034-2003 (Exhibit #10), set up an alternative dispute resolution ("ADR") program in domestic relations cases.
- The ADR program has been implemented and is very successful in Allen County. Other counties are setting up programs similar to Allen County's program.
- The number of domestic relations cases in the Allen County courts has decreased as a result of the ADR program.
- Counties participating in the program charge a \$20 fee for parties filing for legal separation, paternity, or dissolution of marriage. The fee is placed in a fund used to foster ADR, including mediation, reconciliation, and parental counseling. The \$20 fee also supplements the costs of mediation for lower income individuals.

The Committee discussed with Judge Scopelitis the following issues relating to his testimony:

- Number of cases going to trial after mediation
- Mediation fees
- Success rate
- People involved and better sense of fairness
- Willingness to honor agreements better and after mediation

Proposed Legislation

PD 3157-Parenting Time (Exhibit #11)

This draft replaces references to "visitation" with "parenting time" in parental custody statutes. The Committee approved this draft in a roll call vote, 7-0

PD 3350-Arbitration in Family Law (Exhibit #1)

This draft requires binding arbitration in family law arbitrations to be irrevocable and provides procedures for family law arbitration cases. The Committee voted 5-2 to approve this draft, but this vote failed because a majority of voting Committee members (7 members) was needed for the vote to be successful.

Committee Letter to the Indiana Supreme Court

The Committee discussed the proposed letter to the Indiana Supreme Court expressing concern regarding Guideline 6 of the amended child support guidelines. The Committee voted 4-3 to send the letter, but this vote failed because a majority of voting Committee members (7 members) was needed for the vote to be successful.

Final Report

The Chairman asked for the pleasure of the Committee concerning the draft of their final report. There was a motion to accept the draft final report, the motion was seconded, and the draft of the final report was adopted by a voice vote.

Adjournment

The Chairman adjourned the meeting at 2:44 P.M.